

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23-CR-0264-DGK-01
)	
SHANE C. HYDE,)	
)	
Defendant.)	

**ORDER ADOPTING THE MAGISTRATE’S REPORT AND RECOMMENDATION
DENYING DEFENDANT’S MOTION TO DISMISS**

Now before the Court is Defendant’s motion to dismiss the indictment charging Defendant with being a felon in possession of a firearm, contrary to the provisions of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8), because the statute is unconstitutional. ECF No. 23. Also before the Court are Magistrate Judge Jill A. Morris’s Report and Recommendation recommending the motion be denied because the statute is constitutional, ECF No. 26, and Defendant’s objections to the report and recommendation, ECF No. 27.

Defendant argues that the Eighth Circuit’s decisions in *United States v. Jackson*, 69 F.4th 495 (8th Cir. 2023), *United States v. Cunningham*, 70 F.4th 502 (8th Cir. 2023), and *United States v. Doss*, 2023 WL 8299064 (8th Cir. 2023) were wrongly decided because they do not adhere to the Supreme Court’s decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022). Objections at 1. Defendant recognizes that a district court such as this one is bound by Eighth Circuit precedent, but argues the Report bases its conclusion on dicta and analysis from *Jackson* which conflicts with *Bruen*, and *Bruen* is the controlling precedent. *Id.* at 1–5.

After reviewing the report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court agrees with the Magistrate's holding that the motion should be denied for the reasons stated in the Report.

Accordingly, the Court ADOPTS the Report and Recommendation and DENIES Defendant's motion to dismiss.

IT IS SO ORDERED.

Date: May 30, 2024

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT